

PROB 12A
(9/01)

United States District Court

for

SOUTHERN DISTRICT OF TEXAS

Report On Offender Under Supervision-No Court Action Required

Name of Offender: **RODOLFO ALBA**

Case Number: **M-00-558-01**

Name of Sentencing Judicial Officer: **HONORABLE FILEMON B. VELA**

Date of Original Sentence: **MARCH 5, 2001**

Original Offense: **POSSESSION WITH INTENT TO DISTRIBUTE 83 KILOGRAMS OF MARIHUANA, IN VIOLATION of 21 U.S.C. § 841(a)(1), 841 (b)(1)(C) and 18 U.S.C. § 2.**

Original Sentence: **SEVENTY-ONE (71) MONTHS CUSTODY OF THE U.S. BUREAU OF PRISONS, FOLLOWED BY A THREE (3) YEAR TERM OF SUPERVISED RELEASE (TSR).**

Revocation Sentence: **NOVEMBER 21, 2006-THIRTY (30) DAYS CUSTODY OF THE U.S. BUREAU OF PRISONS FOLLOWED BY A TWO (2) YEAR TERM OF SUPERVISED RELEASE.**

Type of Supervision: **SUPERVISED RELEASE** Date Supervision Commenced: **12/07/06**

Maximum Penalty Upon Revocation: **TWENTY-FOUR (24) MONTHS CUSTODY OF THE U.S. BUREAU OF PRISONS MINUS THIRTY (30) DAYS PREVIOUSLY IMPOSED, PURSUANT TO 18 U.S.C. § 3583(e)(3) AND (h).**

PREVIOUS COURT ACTION

07/10/06: A Petition for Warrant for Offender Under Supervision was submitted alleging violation of the mandatory condition of Supervision by illegally possessing and unlawfully using a controlled substance, to wit: cocaine; standard condition #3, by failing to follow the instructions of the probation officer; standard condition #6, by failing to report change in residence 10 days prior to such change and the spacial condition, by failing to participate as directed in a drug/alcohol treatment program. The U.S. Probation Office recommended the issuance of a warrant. On July 19, 2006, the Court concurred.

07/31/06: A Superseding Petition for Offender Under Supervision was submitted alleging an additional positive urine specimen for cocaine and non-compliance with the drug/alcohol treatment program. This report also includes all previously alleged violations. The U.S. Probation Office requested that the original and new alleged violations contained in the Superseding Petition be

RE: ALBA, Rodolfo
Dkt. No.: M-00-558-01

2

heard at the time of the revocation hearing and that the condition of no bond remain as previously set. On August 7, 2006, the Court concurred.

11/20/06: A Superseding Petition for Offender Under Supervision was submitted alleging failure to report and submit truthful and complete written reports within the first five days of each month. This report also includes all previously alleged violations. The U.S. Probation Office requested that the original and new alleged violations contained in the Superseding Petition be heard at the time of the revocation hearing and that the condition of no bond remain as previously set. On November 20, 2006, the Court concurred.

11/21/06: The releasee appeared before the Court for a revocation hearing. The releasee plead true to violating the mandatory condition of supervision by illegally and unlawfully using a controlled substance, to wit: cocaine; standard condition #2, by failing to report to the probation Office as directed and by failing to submit a truthful and complete written report within the first five days of each month; standard condition #6, by failing to report change in residence 10 days prior to such change and the special condition, by failing to participate in a drug/alcohol treatment program. The Court found that the releasee violated the alleged conditions of supervision and revoked his term of Supervised Release. The Court sentenced the releasee to thirty (30) days custody of the U.S. Bureau of Prisons and a two year term of Supervised Release. The Court further ordered that the releasee participate in a community treatment center, halfway house or similar facility for a period of up to 120 days beginning immediately upon release from confinement.

02/05/07: A Request for Modifying the Conditions or Term of Supervision with Consent of the Offender was submitted recommending that the releasee participate in the Home Confinement with Electronic Monitoring program for a period of three (3) months. The Request for Modifying the Conditions alleged that the releasee left the halfway house facility without permission on or about January 16, 2007. On February 14, 2007, the Court concurred.

PETITIONING THE COURT

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1.	Mandatory Condition: "SHALL NOT ILLEGALLY POSSESS A CONTROLLED SUBSTANCE"
----	----------------------------------------------------------------------------------

AND

"SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE"

Rodolfo Alba violated the mandatory conditions of supervision by illegally possessing and unlawfully using a controlled substance, to wit: cocaine on April 24, 2007 as evidenced by laboratory analysis of a urine specimen collected on the aforementioned date indicating the presence of said controlled substance.

RE: ALBA, Rodolfo
Dkt. No.: M-00-558-01

3

The releasee admitted in a written statement entitled "Report Of Positive Urinalysis" the illegal use of a prohibited controlled substance as indicated by the urinalysis report. He advised that he was detailing a friend's vehicle and came across the controlled substance and decided to taste the cocaine.

2. Special Condition: "SHALL PARTICIPATE AS DIRECTED IN DRUG/ALCOHOL TREATMENT PROGRAM"

Rodolfo Alba violated the special condition of supervision which requires that he participate as directed in a drug/alcohol treatment program and comply with the treatment agency's rules and regulations, when he used cocaine on April 24, 2007. The releasee had been advised by his probation officer and his drug treatment counselor, at the commencement of the treatment, that using illicit drugs is contrary to the rules and regulations of the treatment agency.

U.S. Probation Officer Action:

U.S. Probation Officer Jorge Fuentes has verbally reprimanded the releasee for his non-compliant behavior. The releasee is remorseful for his previous actions and states that he will work harder toward achieving complete abstinence from any type of drug and/or alcohol. Releasee Alba is currently participating in the Home Confinement with Electronic Monitoring program and is participating in the most intensive phase of his drug/alcohol sessions. The anticipation is that with an intensive drug treatment program, Releasee Alba will discontinue the use of cocaine.

Therefore, it is recommended that no further action be taken at this time, but that the Court reserve the right to address these violations at a later date.

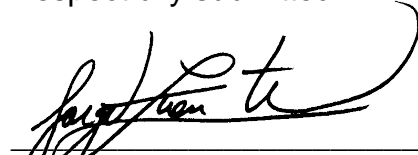
Approved:

Respectfully submitted:



Domingo Cavazos, Jr., Supervising
U.S. Probation Officer

by



Jorge Fuentes
U.S. Probation Officer
Date: May 7, 2007
(JF/sc) #51918

RE: ALBA, Rodolfo
Dkt. No.: M-00-558-01

4

☒ Court Concurs with Recommended Action

☐ Submit a Request for Modifying the Condition(s) or Term of Supervision

☐ Submit a Request for Warrant or Summons

☐ Other: _____



Honorable Randy Crane
U. S. District Judge

May 14, 2007

Date